IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16 OF 2006

Shailesh Chandrakant Choulkar.... Petitioner.

Versus

State of Maharashtra & Ors... .... Respondents.

Mr. R. K. Mendadkar for the Petitioner.

Mr. C.R.Sonawane, AGP for the State.

Mr. G. S. Hegde for Respondent Nos.3 and 6.

CORAM : V.G. PALSHIKAR, and V.R.KINGAONKAR, JJ.

DATED : 17TH APRIL, 2006.

P.C.:

By this petition, the Petitioner has questioned the order passed by the Caste Scrutiny Committee holding that the Petitioner has failed to prove that he belongs Mahadeo Koli Caste.

2. Earlier, the Petitioner claimed that he was Malhar Koli. Evidence to that effect was led. Challeng to the order holding him not belonging to the tribe Malahar Koli was questioned in this Court, where clear stand was taken that the Petitioner belongs to Malhar

Koli. Hence this Court remitted the matter back to the Committee directing it to reconsider the entire evidence in light of the contention of the Petitioner that he belongs to Malhar Koli.

3. Accordingly, after remission from this Court, the matter was again scrutinised by the Committee and it came to the conclusion by the impugned order that the Petitioner has failed to prove that he belongs to tribe called Malhar Koli. That Committee has appreciated the evidence before it and on appreciation of the evidence came to the conclusion that Petitioner has failed to prove his belonging to tribe called Malhar Koli. Perusal of the impugned order will show that the Committee did apply its mind to all the documents on record, noted the discrepancies, how that in some cases near relations of the Petitioner described as Hindu Koli, in some they are described as Mahadeo Koli and yet in some cases Malhar Koli. In such situation, the findings recorded by the Committee that the Petitioner failed to prove that he belongs to the tribe called Mahadeo Koli cannot be said to be illegal or without jurisdiction. Hence, petition is dismissed.

-.-.-.-.-.-.-.-